

AMENDED IN SENATE JUNE 25, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1706

**Introduced by Committee on Transportation (Dutra (Chair),
Firebaugh, Florez, Havice, Kehoe, Liu, Longville, Nakano,
Oropeza, Simitian, Strom-Martin, and Vargas)**

March 7, 2001

An act to amend *Section 13401.3 of the Corporations Code*, to amend Sections 14036 and 65089 of, to repeal Sections 14529.5 and 14529.14 of, and to repeal Chapter 5 (commencing with Section 14560) of Part 5.3 of Division 3 of Title 2 of, the Government Code, to amend *Section 39 of the Harbors and Navigation Code*, to amend Sections 98005, 99317.1, 99317.8, 99317.9, 99317.10, 99318.1, and 99319 of, and to repeal Sections 99317.2 and 99318.4 of, the Public Utilities Code, and to amend Sections ~~2108~~ 182.7, 319, 2108, and 2121 of, and to repeal Sections 172, 183.3, 188.6 and 2105.1 of, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1706, as amended, Committee on Transportation. Transportation: *corporations: state contracting*.

~~Existing~~

(1) *Existing* law provides for public transit and streets and highways and funding for those purposes.

This bill would make technical corrections and delete obsolete provisions in existing law relating to public transit and streets and highways.

(2) *Under the Moscone-Knox Professional Corporation Act, “professional services” is defined to include, among other things, services licensed, certificated, and registered under the Yacht and Ship Brokers Act.*

This bill would make a needed correction in that definition.

(3) *Existing law provides that a project subject to the jurisdiction of the Department of Boating and Waterways and governed by the Harbors and Navigation Code is subject to the State Contract Act.*

This bill would correct a cross-reference in that provision and delete obsolete language.

(4) *Existing law defines “transit” for purposes of provisions authorizing the formation of the Santa Cruz Metropolitan Transit District.*

This bill would revise the definition to specifically include rapid transit.

(5) *Existing law requires the California Transportation Commission to relinquish to any city or county any portion of any state highway within the city or county that has been deleted from the state highway system by legislative enactment. Existing law authorizes the relinquishment to the City of Downey of the portion of Route 19 located between Gardendale Street and Telegraph Boulevard, upon terms and conditions the commission finds to be in the best interests of the state.*

This bill, instead, would authorize the relinquishment to the City of Downey of the portion of Route 19 located between Century Boulevard and Telegraph Road within that city, upon terms and conditions the commission finds to be in the best interests of the state and pursuant to the terms of a cooperative agreement between the city and the Department of Transportation. The bill would similarly authorize the relinquishment to the City of Bellflower of the portion of Route 19 located between the southerly city limit of the City of Bellflower near Rose Avenue and Foster Road within that city. Each relinquishment would become effective immediately following the county recorder’s recordation of the relinquishment resolution containing the commission’s approval of the terms and conditions of the relinquishment.

(6) *The bill would require the department, in consultation with the Office of Planning and Research, to conduct a statewide rail*

transportation assessment, that includes both a passenger and a freight rail systems portion. The bill would require, on or before October 1, 2002, the department to submit to the Legislature a report that includes, among other things, an estimate and documentation of statewide unfunded capital and operating needs over the next 10 years for each rail transportation agency.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 13401.3 of the Corporations Code is*
2 *amended to read:*

3 13401.3. As used in this part, “professional services” also
4 means any type of professional services that may be lawfully
5 rendered only pursuant to a license, certification, or registration
6 authorized by the Yacht and Ship Brokers Act (Article 2
7 (commencing with Section 700) of Chapter 5 of Division 3 of the
8 Harbors and ~~Navigation~~ *Navigation Code*).

9 SEC. 2. Section 14036 of the Government Code is amended
10 to read:

11 14036. (a) The department shall prepare a 10-year State Rail
12 Plan biennially for submission to the Legislature, the Governor,
13 the Public Utilities Commission, and the California
14 Transportation Commission. The plan shall be submitted to the
15 California Transportation Commission on or before October 1,
16 1995, and on or before October 1 of each odd-numbered year
17 thereafter, for its advice and consent, and to the Legislature, the
18 Governor, and the Public Utilities Commission by the following
19 March 1. The plan shall consist of a passenger rail element and a
20 freight rail element.

21 (b) The passenger rail element shall contain all of the
22 following:

23 (1) For capital and operating subsidies and costs, all actual
24 encumbrances for the prior two fiscal years; and for state
25 operations, all actual expenditures for the prior two fiscal years.
26 All revenues shall be identified by source.

27 (2) For capital and operating subsidies, estimated
28 encumbrances and revenues for the current year; and for state
29 operations, estimated expenditures for the current year. The

1 department shall use the same format as is required for prior year
2 expenditures pursuant to paragraph (1).

3 (3) For the budget year and the nine following fiscal years,
4 proposed encumbrances for capital and operating subsidies and
5 costs shall be reported in the same format as is required for the
6 prior year's expenditures. For state operations, proposed
7 expenditures for the budget year shall be reported.

8 (4) The identification and cost of capital facilities necessary to
9 enhance competitiveness of rail passenger services, including, for
10 each intercity route, a list of at least the three highest priority
11 capital improvement projects, with cost estimates and a funding
12 plan.

13 (5) A performance evaluation of all services in operation for
14 the two prior years, including performance trends, potential for
15 efficiency and effectiveness, possible improvements, and
16 strategies to achieve that potential. This shall include an evaluation
17 of all feeder bus services, using, among other things, criteria based
18 on ridership levels, break-even points, and levels of growth in
19 service utilization. The number of daily feeder bus runs, if any, that
20 failed to carry even one passenger shall be identified.

21 (6) A recommendation of a level of and program for services
22 over a 10-year period, including a list of service enhancements on
23 existing and additional routes, with funding and priority
24 recommendations. This shall include identification of feeder bus
25 service improvements and a management and operating plan for
26 achieving these improvements.

27 (7) An evaluation of reports by regional planning agencies and
28 county transportation commissions on commuter service
29 alternatives in their regions, including presentation of their
30 recommendations.

31 (8) A map showing all existing intercity and commuter
32 passenger rail routes and services, all proposed intercity and
33 commuter passenger rail routes and services, and all intercity and
34 commuter passenger rail routes and services that are the subject of
35 feasibility studies.

36 (9) A report on the expenditure of marketing activities funds
37 for purchases of media advertising of rail passenger services.

38 This report shall be prepared in consultation with the Public
39 Utilities Commission and the National Rail Passenger
40 Corporation. The department may consult with other agencies,

1 organizations, and persons with expertise. The department shall
2 employ realistic assumptions, using Public Utilities Commission
3 cost data whenever possible, with respect to the level of services
4 it can provide and the cost of these services when developing the
5 program.

6 (10) A discussion of the department's overall marketing
7 strategy as it relates to the intercity rail passenger service,
8 including feeder bus service, and a report on the expenditure of
9 marketing activities funds for purchases of media advertising of
10 rail passenger services.

11 (11) A discussion of fare policies and practices, including all of
12 the following:

13 (A) The relationship of fare policies to ridership and yield,
14 including the impact of (A) a variety of regular fares, including
15 fares such as midweek and other off-peak discounts, (B) discount
16 fare blackouts during certain holiday travel periods on yield and
17 ridership, and (C) discount fares for small groups traveling
18 together.

19 (B) Lightly traveled route segments where current fares are too
20 high for the demand, and where ridership or yield, or both, would
21 increase with lower fares.

22 (C) A potential fare policy that would maximize both ridership
23 and yield.

24 (D) A summary of discussions with Amtrak on the subject of
25 fares.

26 (c) The freight rail element shall contain all of the following:

27 (1) Environmental aspects, which shall include air quality, land
28 use, and community impacts.

29 (2) Financing issues, which shall include a means to obtain
30 federal and state funding.

31 (3) Rail issues, which shall include regional, intrastate, and
32 interstate issues.

33 (4) Intermodal connections, which shall include seaports and
34 intermodal terminals.

35 (5) Current system deficiencies.

36 (6) Service objectives, such as improving efficiency,
37 accessibility, and safety.

38 (7) New technology, which shall include logistics and process
39 improvement.

(8) Light density rail line analyses, which shall include traffic density, track characteristics, project selection criteria, and benefit-cost criteria.

~~SEC. 2.—~~

SEC. 3. Section 14529.5 of the Government Code is repealed.

~~SEC. 3.—~~

SEC. 4. Section 14529.14 of the Government Code is repealed.

~~SEC. 4.—~~

SEC. 5. Chapter 5 (commencing with Section 14560) of Part 5.3 of Division 3 of Title 2 of the Government Code is repealed.

~~SEC. 5.—~~

SEC. 6. Section 65089 of the Government Code is amended to read:

65089. (a) A congestion management program shall be developed, adopted, and updated biennially, consistent with the schedule for adopting and updating the regional transportation improvement program, for every county that includes an urbanized area, and shall include every city and the county. The program shall be adopted at a noticed public hearing of the agency. The program shall be developed in consultation with, and with the cooperation of, the transportation planning agency, regional transportation providers, local governments, the department, and the air pollution control district or the air quality management district, either by the county transportation commission, or by another public agency, as designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county.

(b) The program shall contain all of the following elements:

(1) (A) Traffic level of service standards established for a system of highways and roadways designated by the agency. The highway and roadway system shall include at a minimum all state highways and principal arterials. No highway or roadway designated as a part of the system shall be removed from the system. All new state highways and principal arterials shall be designated as part of the system. Level of service (LOS) shall be measured by Circular 212, by the most recent version of the Highway Capacity Manual, or by a uniform methodology adopted by the agency that is consistent with the Highway Capacity

Manual. The determination as to whether an alternative method is consistent with the Highway Capacity Manual shall be made by the regional agency, except that the department instead shall make this determination if either (i) the regional agency is also the agency, as those terms are defined in Section 65088.1, or (ii) the department is responsible for preparing the regional transportation improvement plan for the county.

(B) In no case shall the LOS standards established be below the level of service E or the current level, whichever is farthest from level of service A. When the level of service on a segment or at an intersection fails to attain the established level of service standard, a deficiency plan shall be adopted pursuant to Section 65089.4.

(2) A performance element that includes performance measures to evaluate current and future multimodal system performance for the movement of people and goods. At a minimum, these performance measures shall incorporate highway and roadway system performance, and measures established for the frequency and routing of public transit, and for the coordination of transit service provided by separate operators. These performance measures shall support mobility, air quality, land use, and economic objectives, and shall be used in the development of the capital improvement program required pursuant to paragraph (5), deficiency plans required pursuant to Section 65089.4, and the land use analysis program required pursuant to paragraph (4).

(3) A travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including, but not limited to, flexible work hours, telecommuting, and parking management programs. The agency shall consider parking cash-out programs during the development and update of the travel demand element.

(4) A program to analyze the impacts of land use decisions made by local jurisdictions on regional transportation systems, including an estimate of the costs associated with mitigating those impacts. This program shall measure, to the extent possible, the impact to the transportation system using the performance measures described in paragraph (2). In no case shall the program include an estimate of the costs of mitigating the impacts of

1 interregional travel. The program shall provide credit for local
2 public and private contributions to improvements to regional
3 transportation systems. However, in the case of toll road facilities,
4 credit shall only be allowed for local public and private
5 contributions which are unreimbursed from toll revenues or other
6 state or federal sources. The agency shall calculate the amount of
7 the credit to be provided. The program defined under this section
8 may require implementation through the requirements and
9 analysis of the California Environmental Quality Act, in order to
10 avoid duplication.

11 (5) A seven-year capital improvement program, developed
12 using the performance measures described in paragraph (2) to
13 determine effective projects that maintain or improve the
14 performance of the multimodal system for the movement of
15 people and goods, to mitigate regional transportation impacts
16 identified pursuant to paragraph (4). The program shall conform
17 to transportation-related vehicle emission air quality mitigation
18 measures, and include any project that will increase the capacity
19 of the multimodal system. It is the intent of the Legislature that,
20 when roadway projects are identified in the program,
21 consideration be given for maintaining bicycle access and safety
22 at a level comparable to that which existed prior to the
23 improvement or alteration. The capital improvement program
24 may also include safety, maintenance, and rehabilitation projects
25 that do not enhance the capacity of the system but are necessary to
26 preserve the investment in existing facilities.

27 (c) The agency, in consultation with the regional agency, cities,
28 and the county, shall develop a uniform data base on traffic impacts
29 for use in a countywide transportation computer model and shall
30 approve transportation computer models of specific areas within
31 the county that will be used by local jurisdictions to determine the
32 quantitative impacts of development on the circulation system that
33 are based on the countywide model and standardized modeling
34 assumptions and conventions. The computer models shall be
35 consistent with the modeling methodology adopted by the regional
36 planning agency. The data bases used in the models shall be
37 consistent with the data bases used by the regional planning
38 agency. Where the regional agency has jurisdiction over two or
39 more counties, the data bases used by the agency shall be
40 consistent with the data bases used by the regional agency.

(d) (1) The city or county in which a commercial development will implement a parking cash-out program that is included in a congestion management program pursuant to subdivision (b), or in a deficiency plan pursuant to Section 65089.4, shall grant to that development an appropriate reduction in the parking requirements otherwise in effect for new commercial development.

(2) At the request of an existing commercial development that has implemented a parking cash-out program, the city or county shall grant an appropriate reduction in the parking requirements otherwise applicable based on the demonstrated reduced need for parking, and the space no longer needed for parking purposes may be used for other appropriate purposes.

(e) Pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991 and regulations adopted pursuant to the act, the department shall submit a request to the Federal Highway Administration Division Administrator to accept the congestion management program in lieu of development of a new congestion management system otherwise required by the act.

~~SEC. 6.~~

SEC. 7. Section 39 of the Harbors and Navigation Code is amended to read:

39. Any construction or development authorized by this division ~~which~~ *that* also constitutes a project within the definition of Section 14254 10105 of the ~~Government~~ *Public Contract* Code shall when performed by the state be subject to ~~the provisions of the State Contract Act, except that references therein to Department of Public Works shall mean Department of Water Resources.~~

SEC. 8. Section 98005 of the Public Utilities Code is amended to read:

98005. “Transit” means the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual fare-paying basis, *and includes rapid transit*. Nothing in this section shall be construed to prohibit the district from leasing its buses to private certified public carriers or to prohibit the district from providing schoolbus service for the transportation of pupils between their homes and schools.

SEC. 9. Section 99317.1 of the Public Utilities Code is amended to read:

1 99317.1. (a) Funds appropriated pursuant to subdivision (a)
2 of Section 99317 shall, in addition to the purposes specified in that
3 section, be available for short-line railroad rehabilitation projects,
4 through the state transportation improvement program.

5 (1) Projects eligible for funding pursuant to this subdivision
6 shall be limited to railroad rehabilitation projects.

7 (2) To be eligible for funding pursuant to this subdivision, a
8 project proposal shall be submitted by a public entity. The public
9 entity shall submit a project proposal only if it has made a finding,
10 following a public hearing, that rail service on the affected railroad
11 would be in imminent danger of being discontinued without the
12 expenditure of public funds, and that continuation of the service
13 serves a public purpose.

14 (b) As used in this section, “short-line railroad” means any
15 standard gauge railroad which is being, or is planned to be, used
16 for passenger service, other than a class I railroad, as that term is
17 used and applied in federal law.

18 ~~SEC. 7.—~~

19 *SEC. 10.* Section 99317.2 of the Public Utilities Code is
20 repealed.

21 ~~SEC. 8.—~~

22 *SEC. 11.* Section 99317.8 of the Public Utilities Code is
23 amended to read:

24 99317.8. (a) A public agency that has received an allocation
25 for funding of an intermodal transfer station pursuant to
26 subdivision (a) of Section 99317 shall provide for maintaining the
27 station and its appurtenances, including, but not limited to,
28 restroom facilities, in good condition and repair, and in accordance
29 with high standards of cleanliness. As part of its duties in
30 monitoring state-funded rail and bus services, the department
31 shall, at least annually, conduct an unannounced inspection of each
32 facility and make recommendations, if any, to the operating
33 agency. Results of the department’s inspections shall be included
34 in the passenger rail element of the State Rail Plan required
35 pursuant to Section 14036 of the Government Code. If appropriate
36 remedial action is not taken, the department may recommend to
37 the commission that future applications for transit capital funding
38 be denied.

39 (b) The Legislature finds and declares that regular inspections
40 of intermodal stations are necessary to protect the state’s capital

1 investment in these essential transportation facilities and to avoid
2 the problems resulting from deferred maintenance.

3 ~~SEC. 9.—~~

4 *SEC. 12.* Section 99317.9 of the Public Utilities Code is
5 amended to read:

6 99317.9. The department and the commission shall give
7 reasonable priority to allocations pursuant to subdivision (a) of
8 Section 99317 to station projects that improve access for visitors
9 to state prisons.

10 ~~SEC. 10.—~~

11 *SEC. 13.* Section 99317.10 of the Public Utilities Code is
12 amended to read:

13 99317.10. (a) A public entity which has received an
14 allocation for funding of an intermodal transfer station pursuant to
15 subdivision (a) of Section 99317 shall, upon request of the
16 department, authorize state-funded bus service to use the station
17 without any charge to the department or its contractors, and shall
18 assist the department in the placement of signs and informational
19 material designed to alert the public to the availability of the
20 state-funded bus service.

21 (b) A public entity shall not be eligible to receive an allocation
22 for funding of an intermodal transfer station pursuant to
23 subdivision (a) of Section 99317 unless it first agrees that, upon
24 any future request of the department, it will authorize a
25 state-funded bus service to use the station without any charge to the
26 department or its contractors and it will assist the department in the
27 placement of signs and informational material designed to alert the
28 public to the availability of the state-funded bus service.

29 (c) For the purpose of this section, “state-funded bus service”
30 means any bus service funded pursuant to Section 99316.

31 ~~SEC. 11.—~~

32 *SEC. 14.* Section 99318.1 of the Public Utilities Code is
33 amended to read:

34 99318.1. An intercity rail project nominated by the
35 department shall be eligible to compete for funding pursuant to
36 Section 99317 if it is recommended in the passenger rail element
37 of the State Rail Plan prepared pursuant to Section 14036 of the
38 Government Code, or an update to that plan.

39 ~~SEC. 12.—~~

1 *SEC. 15.* Section 99318.4 of the Public Utilities Code is
2 repealed.

3 ~~*SEC. 13.*~~

4 *SEC. 16.* Section 99319 of the Public Utilities Code is
5 amended to read:

6 99319. (a) If a rail capital improvement project proposed for
7 funding by the department or a local agency includes as an element
8 the addition or improvement of rail passenger service boarding
9 platforms, those platforms shall be constructed in conformity with
10 applicable rules and orders of the Public Utilities Commission and
11 in such a manner that the top of each platform is not less than eight
12 inches above the adjacent rails, unless the department makes a
13 finding that the circumstances in a particular case warrant
14 otherwise and obtains approval from the Public Utilities
15 Commission for any deviation from its applicable rules and orders.

16 (b) The requirements of this section apply to all passenger
17 service boarding platforms constructed with funds made available
18 pursuant to Section 14031.6 of the Government Code, Sections
19 99234.5, 99234.9 and 99317 of this code, Section 164 of the
20 Streets and Highways Code, and funds made available from the
21 proceeds of state general obligation bonds issued for the purposes
22 of rail capital improvements.

23 ~~*SEC. 14.*~~

24 *SEC. 17.* Section 172 of the Streets and Highways Code is
25 repealed.

26 ~~*SEC. 15.*~~

27 *SEC. 18.* *Section 182.7 of the Streets and Highways Code is*
28 *amended to read:*

29 182.7. (a) Notwithstanding Sections 182 and 182.5, Sections
30 188, 188.8, and 825 do not apply to the expenditure of an amount
31 of federal funds equal to the amount of federal funds apportioned
32 to the state pursuant to subsection (b)(2) of Section 104 of Title 23
33 of the United States Code. These funds shall be known as the
34 congestion mitigation and air quality program funds and shall be
35 expended in accordance with Section ~~149~~ 149 of Title ~~3~~ 23 of the
36 United States Code. The department, the transportation planning
37 agencies, and the metropolitan planning organizations may do all
38 things necessary in their jurisdictions to secure and expend those
39 federal funds in accordance with the intent of federal law and this
40 chapter.

(b) The congestion mitigation and air quality program funds, including any funds to which subsection (c) of Section 110 of Title 23 of the United States Code, as added by subdivision (a) of Section 1310 of Public Law 105-178, applies, shall be apportioned by the department to the metropolitan planning organizations designated pursuant to Section 134 of Title 23 of the United States Code and, in areas where none has been designated, to the transportation planning agency established by Section 29532 of the Government Code. The funds shall be apportioned to metropolitan planning organizations and transportation planning agencies responsible for air quality conformity determinations in federally designated air quality nonattainment and maintenance areas within the state in the manner and in accordance with the formula set forth in subsection (b)(2) of Section 104 of Title 23 of the United States Code. Funds apportioned under this subdivision shall remain available for three federal fiscal years, including the federal fiscal year apportioned.

(c) Notwithstanding subdivision (b), where county transportation commissions have been created by Division 12 (commencing with Section 130000) of the Public Utilities Code, all congestion mitigation and air quality program funds shall be further apportioned by the metropolitan planning organization to the county transportation commission on the basis of relative population within the federally designated air quality nonattainment and maintenance areas after first apportioning to the nonattainment and maintenance areas in the manner and in accordance with the formula set forth in subsection (b)(2) of Section 104 of Title 23 of the United States Code.

In the Monterey Bay region, all congestion mitigation and air quality improvement program funds shall be further apportioned, on the basis of relative population, by the metropolitan planning organization to the regional transportation planning agencies designated under subdivision (b) of Section 29532 of the Government Code.

(d) The department shall notify each metropolitan planning organization, transportation planning agency, and county transportation commission receiving an apportionment under this section, as soon as possible each year, of the amount of obligational authority estimated to be available for expenditure from the federal apportionment. The metropolitan planning

1 organizations, transportation planning agencies, and county
2 transportation commissions, in cooperation with the department,
3 congestion management agencies, cities and counties, and affected
4 transit operators, shall select and program projects in conformance
5 with federal law. Each metropolitan planning organization and
6 transportation planning agency shall, not later than August 1 of
7 each even-numbered year beginning in 1994, submit its
8 transportation improvement program prepared pursuant to Section
9 134 of Title 23 of the United States Code to the department for
10 incorporation into the state transportation improvement program.

11 (e) Not later than July 1 of each year, the metropolitan planning
12 organizations and the regional transportation planning agencies
13 receiving obligational authority under this section, shall notify the
14 department of the projected amount of obligational authority that
15 each entity intends to use during the remainder of the current
16 federal fiscal year, including, but not limited to, a list of projects
17 that will use the obligational authority. Any federal obligational
18 authority that will not be used shall be redistributed by the
19 department to other projects in a manner that ensures that the state
20 will continue to compete for and receive increased obligational
21 authority during the federal redistribution of obligational
22 authority. If the department does not have sufficient federal
23 apportionments to fully use excess obligational authority, the
24 metropolitan planning organization or transportation planning
25 agency relinquishing obligational authority shall make sufficient
26 apportionments available to the department to fund alternate
27 projects, when practical, within the geographical areas
28 relinquishing the obligational authority. Notwithstanding this
29 subdivision, the department shall comply with subsection (f) of
30 Section 133 of Title 23 of the United States Code.

31 (f) The department shall be responsible for closely monitoring
32 the use of federal transportation funds, including congestion
33 management and air quality funds to assure full and timely use.
34 The department shall prepare a quarterly report for submission to
35 the commission regarding the progress in use of all federal
36 transportation funds. The department shall notify the commission
37 and the appropriate implementation agency whenever there is a
38 failure to use federal funds within the three-year apportionment
39 period established under subdivision (b).



(g) The department shall provide written notice to implementing agencies when there is one year remaining within the three-year apportionment period established under subdivision (b) of this section.

(h) Within six months of the date of notification required under subdivision (g), the implementing agency shall provide to the department a plan to obligate funds that includes, but need not be limited to, a list of projects and milestones.

(i) If the implementing agency has not met the milestones established in the implementation plan required under subdivision (h) above, prior to the end of the three-year apportionment period established under subdivision (b), the commission shall redirect those funds for use on other transportation projects in the state.

(j) Congestion mitigation and air quality program funds available under this section exchanged pursuant to Section 182.8 may be loaned to and expended by the department. The department shall repay to the Traffic Congestion Relief Fund all funds received as federal reimbursements for funds exchanged under Section 182.8 as they are received from the Federal Highway Administration.

SEC. 19. Section 183.3 of the Streets and Highways Code is repealed.

~~*SEC. 16.*~~

SEC. 20. Section 188.6 of the Streets and Highways Code is repealed.

~~*SEC. 17.*~~

SEC. 21. *Section 319 of the Streets and Highways Code, as amended by Section 1 of Chapter 172 of the Statutes of 1999, is amended to read:*

319. (a) Route 19 is from Route 1 near Long Beach to Route 164 near Pico Rivera.

(b) The portion of Route 19 that is between Del Amo Boulevard in the City of Long Beach and Route 1 in that city shall cease to be a state highway pursuant to the terms of a cooperative agreement between the City of Long Beach and the department providing for the relinquishment of that portion of the highway to that city.

(c) (1) The commission may relinquish to the City of Downey the portion of Route 19 located between ~~Gardendale Street~~ Century Boulevard and Telegraph ~~Boulevard Road~~ within the that

city, upon terms and conditions the commission finds to be in the best interests of the state *and pursuant to the terms of a cooperative agreement between the City of Downey and the department.*

(2) A relinquishment under this subdivision shall become effective immediately following the *county recorder's recordation of the relinquishment resolution containing the commission's* approval of the terms and conditions of the relinquishment.

(d) *(1) The commission may relinquish to the City of Bellflower the portion of Route 19 located between the southerly city limit of the City of Bellflower near Rose Avenue and Foster Road within that city, upon terms and conditions the commission finds to be in the best interests of the state and pursuant to the terms of a cooperative agreement between that city and the department.*

(2) A relinquishment under this subdivision shall become effective immediately following the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.

(e) Any portion of Route 19 relinquished pursuant to subdivision (c) or (d) shall cease to be a state highway on the effective date of the relinquishment.

(f) This section shall become inoperative on the effective date of the relinquishment described in subdivision (c) or (d), whichever date is later, and as of January 1 following that date is repealed.

SEC. 22. *Section 319 of the Streets and Highways Code, as added by Section 2 of Chapter 172 of the Statutes of 1999, is amended to read:*

319. (a) Route 19 is from:

(1) Del Amo Boulevard near Long Beach to ~~Gardendale Street in Downey~~ the southerly city limit of the City of Bellflower near Rose Avenue in the City of Bellflower.

(2) The Downey city limit at Telegraph ~~Boulevard Road~~ to Route 164 (Galatin Road) near Pico Rivera.

(b) This section shall become operative ~~as of~~ on the later date, as between the effective date of the relinquishment by the commission to the City of Downey of the portion of Route 19 located between ~~Gardendale Street~~ Century Boulevard and Telegraph ~~Boulevard Road~~ within the ~~city~~ City of Downey, pursuant to subdivision (c) of Section 319, *and the effective date of the relinquishment by the commission to the City of Bellflower*

1 *of the portion of Route 19 located between the southerly city limit*
2 *of the City of Bellflower near Rose Avenue and Foster Road within*
3 *the City of Bellflower, pursuant to subdivision (d) of Section 319,*
4 *as that section read on the day before it was repealed pursuant to*
5 *the act that added amended this section during the 1999-2000*
6 *2001-02 Regular Session.*

7 *SEC. 23. Section 2105.1 of the Streets and Highways Code is*
8 *repealed.*

9 ~~*SEC. 18.—*~~

10 *SEC. 24. Section 2108 of the Streets and Highways Code is*
11 *amended to read:*

12 2108. The balance of the money in the Highway Users Tax
13 Account in the Transportation Tax Fund, after making the
14 apportionments or appropriations, as the case may be, pursuant to
15 Sections 2104 to 2107.7, inclusive, shall be transferred to the State
16 Highway Account in the State Transportation Fund for
17 expenditure in accordance with Section 163.

18 ~~*SEC. 19.—*~~

19 *SEC. 25. Section 2121 of the Streets and Highways Code is*
20 *amended to read:*

21 2121. (a) In May of each year each county shall submit to the
22 department any additions or exclusions from its mileage of
23 maintained county highways, specifying the termini and mileage
24 of each route added or excluded from its county maintained roads.
25 The department shall either approve or disapprove each inclusion
26 or exclusion. A county may appeal any disapproval as provided in
27 Section 74. The department shall certify county mileage figures to
28 the Controller, as required. No appeal shall affect any
29 apportionment made by the Controller pending the determination
30 of the appeal. If, on appeal, additional mileage is allowed the
31 county, the department shall immediately certify the corrected
32 figure to the Controller, and the same shall be used for subsequent
33 apportionments.

34 (b) Upon relinquishing any state highway or portion thereof to
35 a county, the department shall immediately certify to the
36 Controller the mileage so relinquished and the same shall
37 immediately be added to the county's maintained mileage of
38 county roads for purposes of subsequent apportionments.

39 *SEC. 26. (a) The Department of Transportation, in*
40 *consultation with the Office of Planning and Research, shall*

1 conduct a statewide rail transportation assessment. The
2 assessment shall be conducted in cooperation with regional and
3 local transportation agencies and private freight railroads. The
4 assessment shall incorporate both a passenger and a freight rail
5 systems portion. The passenger rail systems portion of the
6 assessment shall include intercity, commuter, and urban rail
7 systems.

8 (b) (1) Based on the assessment, the department shall prepare
9 a report. The assessment and report shall do all of the following:

10 (A) Examine how the different modes of rail transportation
11 interconnect with each other and with other forms of
12 transportation. The assessment shall investigate where there are
13 gaps in connectivity between passenger rail systems. The report
14 shall make recommendations for improving connectivity for
15 passenger and freight rail.

16 (B) Identify where there are currently high levels of freight and
17 passenger rail track congestion and where agencies project future
18 rail congestion problems. The report shall make recommendations
19 for capital projects that would alleviate or prevent the onset of
20 track congestion.

21 (C) Report on plans for capital projects for each rail
22 transportation agency, both public and private, over the next 10
23 years. Capital projects include improvements that enhance public
24 safety, including, but not limited to, grade crossing separations,
25 that increase track capacity, including, but not limited to, passing
26 tracks or siding, and that increase passenger services, including,
27 but not limited to, additional passenger cars and locomotives. The
28 report shall identify where plans for capital improvements or
29 services by one rail agency will conflict with plans for capital
30 improvements or services with another rail agency.

31 (D) Examine the cost effectiveness of current findings for rail
32 projects.

33 (2) Based on findings from the assessment described in
34 subdivision (a), the report shall include an estimate, with
35 documentation, of statewide unfunded capital and operating
36 needs over the next 10 years for each rail transportation agency.

37 (c) The department shall submit the report required under this
38 section to the Legislature on or before October 1, 2002.

1		_____
2	CORRECTIONS	
3	Text — Pages 17 and 18.	
4		_____
5		

